

By Representative Goodman

E2SSB 5536 - H COMM AMD

By Committee on Community Safety, Justice, & Reentry

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that substance use disorders are a public health issue. Solutions must not only address criminal legal responses, but must be data-driven and evidence-based, and must represent best practices, working directly with people who use drugs to prevent overdose and infectious disease transmission, and improve the physical, mental, and social well-being of those served. The state must follow principles of harm reduction, comprising practical strategies aimed at reducing negative consequences associated with drug use, including safer use of supplies as well as care settings, staffing, and interactions that are person-centered, supportive, and welcoming.

The legislature finds that the recommendations of the substance use recovery services advisory committee reflect diligent work by individuals with a range of professional and personal experience, who brought that experience to the committee, and whose expertise is reflected in the recommendations.

Part I - Prohibiting Knowing Possession of a Controlled Substance, Counterfeit Substance, or Legend Drug

Sec. 2. RCW 69.50.4011 and 2003 c 53 s 332 are each amended to read as follows:

(1) Except as authorized by this chapter, it is unlawful for any person to ~~((create, deliver, or possess a counterfeit substance))~~:

- (a) Create or deliver a counterfeit substance;
- (b) Knowingly possess a counterfeit substance; or
- (c) Knowingly possess and use a counterfeit substance in a public place by injection, inhalation, ingestion, or any other means.

1 (2) Any person who violates subsection (1)(a) of this section
2 with respect to:

3 (a) A counterfeit substance classified in Schedule I or II which
4 is a narcotic drug, or flunitrazepam classified in Schedule IV, is
5 guilty of a class B felony and upon conviction may be imprisoned for
6 not more than ~~((ten))~~ 10 years, fined not more than ~~((twenty-five~~
7 ~~thousand dollars))~~ \$25,000, or both;

8 (b) A counterfeit substance which is methamphetamine, is guilty
9 of a class B felony and upon conviction may be imprisoned for not
10 more than ~~((ten))~~ 10 years, fined not more than ~~((twenty-five~~
11 ~~thousand dollars))~~ \$25,000, or both;

12 (c) Any other counterfeit substance classified in Schedule I, II,
13 or III, is guilty of a class C felony punishable according to chapter
14 9A.20 RCW;

15 (d) A counterfeit substance classified in Schedule IV, except
16 flunitrazepam, is guilty of a class C felony punishable according to
17 chapter 9A.20 RCW;

18 (e) A counterfeit substance classified in Schedule V, is guilty
19 of a class C felony punishable according to chapter 9A.20 RCW.

20 (3)(a) A violation of subsection (1)(b) or (c) of this section is
21 a misdemeanor. The prosecutor is encouraged to divert such cases for
22 assessment, treatment, or other services.

23 (b) In lieu of jail booking and referral to the prosecutor, law
24 enforcement is encouraged to offer a referral to assessment and
25 services available under RCW 10.31.110 or other program or entity
26 responsible for receiving referrals in lieu of legal system
27 involvement, which may include, but are not limited to, arrest and
28 jail alternative programs established under RCW 36.28A.450, law
29 enforcement assisted diversion programs established under RCW
30 71.24.589, and the recovery navigator program established under RCW
31 71.24.115.

32 (c) Upon arraignment for a violation of subsection (1)(b) or (c)
33 of this section, the court shall determine whether the defendant has
34 been advised by the defendant's counsel about the pretrial diversion
35 opportunity described in section 10 of this act.

36 (d) For the purposes of this section, "public place" has the same
37 meaning as defined in RCW 66.04.010, but the exclusions in RCW
38 66.04.011 do not apply.

1 **Sec. 3.** RCW 69.50.4013 and 2022 c 16 s 86 are each amended to
2 read as follows:

3 (1) ~~((~~It~~))~~ Except as otherwise authorized by this chapter, it is
4 unlawful for any person to:

5 (a) Knowingly possess a controlled substance unless the substance
6 was obtained directly from, or pursuant to, a valid prescription or
7 order of a practitioner while acting in the course of his or her
8 professional practice~~((, or except as otherwise authorized by this~~
9 ~~chapter))~~; or

10 (b) Knowingly possess and use a controlled substance in a public
11 place by injection, inhalation, ingestion, or any other means, unless
12 the substance was obtained directly from, or pursuant to, a valid
13 prescription or order of a practitioner while acting in the course of
14 his or her professional practice.

15 (2) (a) Except as provided in RCW 69.50.4014 or 69.50.445, ((any
16 person who violates this section is guilty of a class C felony
17 punishable under chapter 9A.20 RCW)) a violation of subsection (1)(a)
18 or (b) of this section is a misdemeanor. The prosecutor is encouraged
19 to divert such cases for assessment, treatment, or other services.

20 (b) In lieu of jail booking and referral to the prosecutor, law
21 enforcement is encouraged to offer a referral to assessment and
22 services available under RCW 10.31.110 or other program or entity
23 responsible for receiving referrals in lieu of legal system
24 involvement, which may include, but are not limited to, arrest and
25 jail alternative programs established under RCW 36.28A.450, law
26 enforcement assisted diversion programs established under RCW
27 71.24.589, and the recovery navigator program established under RCW
28 71.24.115.

29 (c) Upon arraignment for a violation of subsection (1)(a) or (b)
30 of this section, the court shall determine whether the defendant has
31 been advised by the defendant's counsel about the pretrial diversion
32 opportunity described in section 10 of this act.

33 (3) (a) The possession, by a person ~~((~~twenty-one~~))~~ 21 years of age
34 or older, of useable cannabis, cannabis concentrates, or cannabis-
35 infused products in amounts that do not exceed those set forth in RCW
36 69.50.360(3) is not a violation of this section, this chapter, or any
37 other provision of Washington state law.

38 (b) The possession of cannabis, useable cannabis, cannabis
39 concentrates, and cannabis-infused products being physically
40 transported or delivered within the state, in amounts not exceeding

those that may be established under RCW 69.50.385(3), by a licensed employee of a common carrier when performing the duties authorized in accordance with RCW 69.50.382 and 69.50.385, is not a violation of this section, this chapter, or any other provision of Washington state law.

(4)(a) The delivery by a person (~~((twenty-one))~~) 21 years of age or older to one or more persons (~~((twenty-one))~~) 21 years of age or older, during a single (~~((twenty-four))~~) 24 hour period, for noncommercial purposes and not conditioned upon or done in connection with the provision or receipt of financial consideration, of any of the following cannabis products, is not a violation of this section, this chapter, or any other provisions of Washington state law:

- (i) One-half ounce of useable cannabis;
- (ii) Eight ounces of cannabis-infused product in solid form;
- (iii) (~~((Thirty-six))~~) 36 ounces of cannabis-infused product in liquid form; or
- (iv) Three and one-half grams of cannabis concentrates.

(b) The act of delivering cannabis or a cannabis product as authorized under this subsection (4) must meet one of the following requirements:

(i) The delivery must be done in a location outside of the view of general public and in a nonpublic place; or

(ii) The cannabis or cannabis product must be in the original packaging as purchased from the cannabis retailer.

(5) No person under (~~((twenty-one))~~) 21 years of age may (~~((possess,))~~) manufacture, sell, (~~((or))~~) distribute, or knowingly possess cannabis, cannabis-infused products, or cannabis concentrates, regardless of THC concentration. This does not include qualifying patients with a valid authorization.

(6) The possession by a qualifying patient or designated provider of cannabis concentrates, useable cannabis, cannabis-infused products, or plants in accordance with chapter 69.51A RCW is not a violation of this section, this chapter, or any other provision of Washington state law.

(7) For the purposes of this section, "public place" has the same meaning as defined in RCW 66.04.010, but the exclusions in RCW 66.04.011 do not apply.

Sec. 4. RCW 69.50.4014 and 2022 c 16 s 88 are each amended to read as follows:

1 (1) Except as provided in RCW 69.50.401(2)(c) or as otherwise
2 authorized by this chapter, any person found guilty of knowing
3 possession of (~~forty~~) 40 grams or less of cannabis is guilty of a
4 misdemeanor. The prosecutor is encouraged to divert such cases for
5 assessment, treatment, or other services.

6 (2) In lieu of jail booking and referral to the prosecutor, law
7 enforcement is encouraged to offer a referral to assessment and
8 services available under RCW 10.31.110 or other program or entity
9 responsible for receiving referrals in lieu of legal system
10 involvement, which may include, but are not limited to, arrest and
11 jail alternative programs established under RCW 36.28A.450, law
12 enforcement assisted diversion programs established under RCW
13 71.24.589, and the recovery navigator program established under RCW
14 71.24.115.

15 (3) Upon arraignment for violation of this section, the court
16 shall determine whether the defendant has been advised by the
17 defendant's counsel about the pretrial diversion opportunity
18 described in section 10 of this act.

19 **Sec. 5.** RCW 69.41.030 and 2020 c 80 s 41 are each amended to
20 read as follows:

21 (1) It shall be unlawful for any person to sell(~~(7)~~) or deliver
22 any legend drug, or knowingly possess any legend drug, or knowingly
23 possess and use any legend drug in a public place by injection,
24 inhalation, ingestion, or any other means, except upon the order or
25 prescription of a physician under chapter 18.71 RCW, an osteopathic
26 physician and surgeon under chapter 18.57 RCW, an optometrist
27 licensed under chapter 18.53 RCW who is certified by the optometry
28 board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a
29 podiatric physician and surgeon under chapter 18.22 RCW, a
30 veterinarian under chapter 18.92 RCW, a commissioned medical or
31 dental officer in the United States armed forces or public health
32 service in the discharge of his or her official duties, a duly
33 licensed physician or dentist employed by the veterans administration
34 in the discharge of his or her official duties, a registered nurse or
35 advanced registered nurse practitioner under chapter 18.79 RCW when
36 authorized by the nursing care quality assurance commission, a
37 pharmacist licensed under chapter 18.64 RCW to the extent permitted
38 by drug therapy guidelines or protocols established under RCW
39 18.64.011 and authorized by the commission and approved by a

1 practitioner authorized to prescribe drugs, a physician assistant
2 under chapter 18.71A RCW when authorized by the Washington medical
3 commission, or any of the following professionals in any province of
4 Canada that shares a common border with the state of Washington or in
5 any state of the United States: A physician licensed to practice
6 medicine and surgery or a physician licensed to practice osteopathic
7 medicine and surgery, a dentist licensed to practice dentistry, a
8 podiatric physician and surgeon licensed to practice podiatric
9 medicine and surgery, a licensed advanced registered nurse
10 practitioner, a licensed physician assistant, or a veterinarian
11 licensed to practice veterinary medicine: PROVIDED, HOWEVER, That the
12 above provisions shall not apply to sale, delivery, or possession by
13 drug wholesalers or drug manufacturers, or their agents or employees,
14 or to any practitioner acting within the scope of his or her license,
15 or to a common or contract carrier or warehouse operator, or any
16 employee thereof, whose possession of any legend drug is in the usual
17 course of business or employment: PROVIDED FURTHER, That nothing in
18 this chapter or chapter 18.64 RCW shall prevent a family planning
19 clinic that is under contract with the health care authority from
20 selling, delivering, possessing, and dispensing commercially
21 prepackaged oral contraceptives prescribed by authorized, licensed
22 health care practitioners: PROVIDED FURTHER, That nothing in this
23 chapter prohibits possession or delivery of legend drugs by an
24 authorized collector or other person participating in the operation
25 of a drug take-back program authorized in chapter 69.48 RCW.

26 (2)(a) A violation of this section involving the sale, delivery,
27 or possession with intent to sell or deliver is a class B felony
28 punishable according to chapter 9A.20 RCW.

29 (b) A violation of this section involving knowing possession is a
30 misdemeanor. The prosecutor is encouraged to divert such cases for
31 assessment, treatment, or other services.

32 (c) A violation of this section involving knowing possession and
33 use in a public place is a misdemeanor. The prosecutor is encouraged
34 to divert such cases for assessment, treatment, or other services.

35 (d) In lieu of jail booking and referral to the prosecutor for a
36 violation of this section involving knowing possession, or knowing
37 possession and use in a public place, law enforcement is encouraged
38 to offer a referral to assessment and services available under RCW
39 10.31.110 or other program or entity responsible for receiving
40 referrals in lieu of legal system involvement, which may include, but

1 are not limited to, arrest and jail alternative programs established
2 under RCW 36.28A.450, law enforcement assisted diversion programs
3 established under RCW 71.24.589, and the recovery navigator program
4 established under RCW 71.24.115.

5 (e) Upon arraignment for a violation of this section involving
6 knowing possession, or knowing possession and use in a public place,
7 the court shall determine whether the defendant has been advised by
8 the defendant's counsel about the pretrial diversion opportunity
9 described in section 10 of this act.

10 (3) For the purposes of this section, "public place" has the same
11 meaning as defined in RCW 66.04.010, but the exclusions in RCW
12 66.04.011 do not apply.

13 **Sec. 6.** RCW 69.50.509 and 1987 c 202 s 228 are each amended to
14 read as follows:

15 If, upon the sworn complaint of any person, it shall be made to
16 appear to any judge of the superior court, district court, or
17 municipal court that there is probable cause to believe that any
18 controlled substance is being used, manufactured, sold, bartered,
19 exchanged, administered, dispensed, delivered, distributed, produced,
20 knowingly possessed, given away, furnished or otherwise disposed of
21 or kept in violation of the provisions of this chapter, such judge
22 shall, with or without the approval of the prosecuting attorney,
23 issue a warrant directed to any law enforcement officer of the state,
24 commanding him or her to search the premises designated and described
25 in such complaint and warrant, and to seize all controlled substances
26 there found, together with the vessels in which they are contained,
27 and all implements, furniture and fixtures used or kept for the
28 illegal manufacture, sale, barter, exchange, administering,
29 dispensing, delivering, distributing, producing, possessing, giving
30 away, furnishing or otherwise disposing of such controlled
31 substances, and to safely keep the same, and to make a return of said
32 warrant within three days, showing all acts and things done
33 thereunder, with a particular statement of all articles seized and
34 the name of the person or persons in whose possession the same were
35 found, if any, and if no person be found in the possession of said
36 articles, the returns shall so state. The provisions of RCW 10.31.030
37 as now or hereafter amended shall apply to actions taken pursuant to
38 this chapter.

1 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.43
2 RCW to read as follows:

3 Subject to the availability of funds appropriated for this
4 specific purpose, the Washington state patrol bureau of forensic
5 laboratory services shall aim to complete the necessary analysis for
6 any evidence submitted for a suspected violation of RCW 69.50.4011(1)
7 (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) within
8 45 days of receipt of the request for analysis.

9 The Washington state patrol bureau of forensic laboratory
10 services' failure to comply with this section shall not constitute
11 grounds for dismissal of a criminal charge.

12 **Part II - Relating to Drug Paraphernalia**

13 **Sec. 8.** RCW 69.50.4121 and 2022 c 16 s 92 are each amended to
14 read as follows:

15 (1) Every person who sells (~~(or gives,)~~) or permits to be sold
16 (~~(or given)~~) to any person any drug paraphernalia in any form commits
17 a class I civil infraction under chapter 7.80 RCW. For purposes of
18 this subsection, "drug paraphernalia" means all equipment, products,
19 and materials of any kind which are used, intended for use, or
20 designed for use in planting, propagating, cultivating, growing,
21 harvesting, manufacturing, compounding, converting, producing,
22 processing, preparing, (~~((testing, — analyzing,))~~) packaging,
23 repackaging, storing, containing, concealing, injecting, ingesting,
24 inhaling, or otherwise introducing into the human body a controlled
25 substance other than cannabis. Drug paraphernalia includes, but is
26 not limited to objects used, intended for use, or designed for use in
27 ingesting, inhaling, or otherwise introducing cocaine into the human
28 body, such as:

29 (a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic
30 pipes with or without screens, permanent screens, hashish heads, or
31 punctured metal bowls;

32 (b) Water pipes;

33 (c) Carburetion tubes and devices;

34 (d) Smoking and carburetion masks;

35 (e) Miniature cocaine spoons and cocaine vials;

36 (f) Chamber pipes;

37 (g) Carburetor pipes;

38 (h) Electric pipes;

1 (i) Air-driven pipes; and

2 (j) Ice pipes or chillers.

3 (2) It shall be no defense to a prosecution for a violation of
4 this section that the person acted, or was believed by the defendant
5 to act, as agent or representative of another.

6 (3) Nothing in subsection (1) of this section prohibits ~~((legal))~~
7 distribution ~~((of injection))~~ or use of public health supplies
8 including, but not limited to, syringe equipment, smoking equipment,
9 or drug testing equipment, through public health ((and)) programs,
10 community-based HIV prevention programs, outreach, shelter, and
11 housing programs, and pharmacies. Public health and syringe service
12 program staff taking samples of substances and using drug testing
13 equipment for the purpose of analyzing the composition of the
14 substances or detecting the presence of certain substances are acting
15 legally and are exempt from arrest and prosecution under RCW
16 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b)
17 or (c).

18 NEW SECTION. **Sec. 9.** A new section is added to chapter 69.50
19 RCW to read as follows:

20 The state of Washington hereby fully occupies and preempts the
21 entire field of drug paraphernalia regulation within the boundaries
22 of the state including regulation of the use, selling, giving,
23 delivery, and possession of drug paraphernalia. Cities, towns, and
24 counties or other municipalities may enact only those laws and
25 ordinances relating to drug paraphernalia that are specifically
26 authorized by state law and are consistent with this chapter. Such
27 local ordinances must have the same penalty as provided for by state
28 law. Local laws and ordinances that are inconsistent with, more
29 restrictive than, or exceed the requirements of state law may not be
30 enacted and are preempted and repealed, regardless of the nature of
31 the code, charter, or home rule status of such city, town, county, or
32 municipality.

33 **Part III - Providing Opportunities for Pretrial Diversion and**
34 **Vacating Convictions**

35 NEW SECTION. **Sec. 10.** A new section is added to chapter 69.50
36 RCW to read as follows:

1 (1) Nothing in this section prevents the defendant, with the
2 consent of the prosecuting attorney as required by RCW 2.30.030, from
3 seeking to resolve charges under RCW 69.50.4011(1) (b) or (c),
4 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) through available
5 therapeutic courts or other alternatives to prosecution. Nothing in
6 this section prevents the defendant or the prosecuting attorney from
7 seeking or agreeing to, or the court from ordering, any other
8 resolution of charges or terms of supervision that suit the
9 circumstances of the defendant's situation and advance stabilization,
10 crime reduction, and justice.

11 (2) Any defendant charged with a violation of RCW 69.50.4011(1)
12 (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) may
13 make a motion to participate in pretrial diversion and agree to waive
14 his or her right to a speedy trial if the motion is granted, subject
15 to the following:

16 (a) In all cases, the court may not grant the motion unless the
17 prosecuting attorney consents to the defendant's participation in
18 pretrial diversion. The prosecuting attorney is strongly encouraged
19 to agree to diversion in any case where the defendant is only charged
20 with a violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013,
21 69.50.4014, or 69.41.030(2) (b) or (c), and in any case where the
22 only additional charge or charges against the defendant are for other
23 nonfelony offenses.

24 (b) In any case where the defendant is only charged with a
25 violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or
26 69.41.030(2) (b) or (c), and the defendant has not been convicted of
27 any offenses committed after the effective date of this section, the
28 court shall grant the motion, continue the hearing, and refer the
29 defendant for an assessment by any substance use disorder treatment
30 program as designated in chapter 71.24 RCW.

31 (c) In any case where the defendant does not meet the criteria
32 described in (b) of this subsection, the court may grant the motion,
33 continue the hearing, and refer the defendant for an assessment by
34 any substance use disorder treatment program as designated in chapter
35 71.24 RCW.

36 (3) Prior to granting the defendant's motion to participate in
37 pretrial diversion under this section, the court shall provide the
38 defendant and the defendant's counsel with the following information:

39 (a) A full description of the procedures for pretrial diversion;

1 (b) A general explanation of the roles and authorities of the
2 probation department, the prosecuting attorney, the substance use
3 disorder treatment program, and the court in the process;

4 (c) A clear statement that the court may grant pretrial diversion
5 with respect to any offense under RCW 69.50.4011(1) (b) or (c),
6 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) that is charged,
7 provided that the defendant pleads not guilty to the charge or
8 charges and waives his or her right to a speedy trial, and that upon
9 the defendant's successful completion of pretrial diversion, as
10 specified in subsection (11)(d) of this section, and motion of the
11 defendant, prosecuting attorney, court, or probation department, the
12 court must dismiss the charge or charges against the defendant;

13 (d) A clear statement that if the defendant has not made
14 substantial progress with services provided that are appropriate to
15 the defendant's circumstances, the prosecuting attorney may make a
16 motion to terminate pretrial diversion and schedule further
17 proceedings as otherwise provided in this section;

18 (e) An explanation of criminal record retention and disposition
19 resulting from participation in pretrial diversion and the
20 defendant's rights relative to answering questions about his or her
21 arrest and pretrial diversion following successful completion; and

22 (f) A clear statement that under federal law it is unlawful for
23 any person who is an unlawful user of or addicted to any controlled
24 substance to ship or transport in interstate or foreign commerce, or
25 possess in or affecting commerce, any firearm or ammunition, or to
26 receive any firearm or ammunition which has been shipped or
27 transported in interstate or foreign commerce.

28 (4)(a) For defendants who participate in pretrial diversion under
29 this section, the state shall make resources available to assist the
30 defendant in scheduling a substance use disorder evaluation or
31 expedited assessment within seven days of the defendant's agreement
32 to participate in pretrial diversion. The substance use evaluation
33 must be provided at no expense to defendants who qualify for public
34 defense services or who are found to be indigent by the court. The
35 evaluation must be provided at a location that is accessible to the
36 defendant. The court may contract with a third party to provide
37 substance use disorder assessments and services, which may be
38 collocated at the court or be provided at alternative locations.

1 (b) The state shall reimburse local courts for costs associated
2 with the substance use disorder assessments and related travel under
3 this subsection.

4 (5) The substance use disorder counseling agency completing the
5 assessment must make a written report to the court stating its
6 findings and recommendations after the examination if the defendant
7 decides to continue pursuing pretrial diversion. The report shall be
8 filed under seal with the court, and a copy of the report shall be
9 given to the prosecuting attorney, defendant, and defendant's
10 counsel. The report and its copies are confidential and exempt from
11 disclosure under chapter 42.56 RCW. The court shall endeavor to avoid
12 public discussion of the circumstances, history, or diagnoses that
13 could stigmatize the defendant.

14 (6) Subject to the availability of funds appropriated for this
15 specific purpose, the assessment and recommended services or
16 treatment must be provided at no cost for individuals who have been
17 found to be indigent by the court.

18 (7) Once the assessment has been filed with the court, if the
19 report indicates the individual has a substance use disorder, the
20 court shall inform the individual that under federal law the
21 individual may not possess any firearm or ammunition. The court shall
22 thereafter sign an order of ineligibility to possess firearms as
23 required by RCW 9.41.800 and shall require the individual to
24 surrender all firearms in accordance with RCW 9.41.804.

25 (8) No statement, or any information procured therefrom relating
26 to the charge for which the defendant is receiving treatment or
27 services, made by the defendant to any treatment or service provider,
28 that is made during the course of any assessment or services provided
29 by the treatment program pursuant to subsections (4) and (5) of this
30 section, and before the reporting of the findings and recommendations
31 to the court, may be admissible in any action or proceeding brought
32 subsequent to the investigation.

33 (9) A defendant's participation in pretrial diversion under this
34 section does not constitute a conviction, a stipulation to facts, or
35 an admission of guilt for any purpose.

36 (10) At the time that pretrial diversion is granted, any bail
37 bond on file by or on behalf of the defendant must be exonerated, and
38 the court must enter an order so directing.

39 (11)(a) If it appears to the prosecuting attorney that the
40 defendant is not meaningfully engaging in the recommended treatment

1 or services, the prosecuting attorney may make a motion for
2 termination from pretrial diversion.

3 (b) After notice to the defendant, the court must hold a hearing
4 to determine whether pretrial diversion shall be terminated.

5 (c) If the court finds that the defendant is not meaningfully
6 engaging in the recommended treatment or services, the court must
7 schedule the matter for further proceedings.

8 (d) If the defendant has successfully completed pretrial
9 diversion, including substantial engagement with assessment
10 recommended treatment, or services, at the end of that period, the
11 charge or charges under RCW 69.50.4011(1) (b) or (c), 69.50.4013,
12 69.50.4014, or 69.41.030(2) (b) or (c) must be dismissed.

13 NEW SECTION. **Sec. 11.** A new section is added to chapter 69.50
14 RCW to read as follows:

15 (1) Prior to sentencing any person convicted of violating RCW
16 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b)
17 or (c), the court shall inform the person that under federal law it
18 is unlawful for any person who is an unlawful user of or addicted to
19 any controlled substance to ship or transport in interstate or
20 foreign commerce, or possess in or affecting commerce, any firearm or
21 ammunition, or to receive any firearm or ammunition which has been
22 shipped or transported in interstate or foreign commerce.

23 (2) In courts of limited jurisdiction, if an individual who is
24 convicted of a violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013,
25 69.50.4014, or 69.41.030(2) (b) or (c) agrees as a condition of
26 probation to obtain a substance use disorder assessment and
27 participate in any recommended treatment or services, the court shall
28 sentence the individual to a term of confinement of up to 90 days,
29 all of which shall be suspended for a period not to exceed one year.

30 (3) For individuals sentenced under subsection (2) of this
31 section, if a suspended sentence is imposed, the court may order as a
32 condition of probation the individual to obtain a substance use
33 disorder assessment and participate in any recommended treatment or
34 services.

35 (a) The state shall assist the defendant in scheduling a
36 substance use disorder evaluation or expedited assessment within
37 seven days of the defendant's agreement to obtain an assessment and
38 participate in any recommended treatment or services. The substance
39 use disorder evaluation shall be provided at no expense to defendants

1 who qualify for public defense services or who are found to be
2 indigent by the court. The evaluation shall be provided at a location
3 that is accessible to the defendant. The court may contract with a
4 third party to provide substance use disorder assessments and
5 services, which may be collocated at the court or be provided at
6 alternative locations. The state shall reimburse local courts for
7 costs associated with the substance use disorder assessments under
8 this subsection.

9 (b) A substance use disorder assessment shall be prepared by a
10 substance use disorder services or counseling program licensed or
11 certified by the department of health. A copy of the report shall be
12 forwarded to the court and filed under seal. Based on the assessment,
13 the court shall determine whether the person shall be required to
14 complete a course in an alcohol and drug information school licensed
15 or certified by the department of health or more sustained services
16 provided by a licensed behavioral health care provider, peer
17 counseling program, or other case management program.

18 (c) Once the assessment has been filed with the court, if the
19 report indicates the individual has a substance use disorder, the
20 court shall inform the individual that under federal law the
21 individual may not possess any firearm or ammunition. The court shall
22 thereafter sign an order of ineligibility to possess firearms as
23 required by RCW 9.41.800.

24 (d) The assessment shall include the following:

25 (i) Available background on the defendant's circumstances,
26 barriers, and past service history, if any;

27 (ii) Nature of barriers and challenges;

28 (iii) Recommendations for services available in the individual's
29 community that are likely to work with the individual and provide
30 relevant support;

31 (iv) A statement of unavailability if there are no known suitable
32 services presently available in the individual's community that would
33 meaningfully assist the individual; and

34 (v) Approximate cost of the services if not publicly provided.

35 (4) A person subject to substance use disorder assessment and
36 treatment or services shall be required by the court to complete a
37 course in an alcohol and drug information school certified by the
38 department of health or to more sustained services provided by a
39 licensed behavioral health care provider, peer counseling program, or
40 other case management program, as determined by the court.

1 (5) All individuals providing assessments under this section
2 shall implement the integrated and comprehensive screening and
3 assessment process for co-occurring substance use and mental health
4 disorders adopted under RCW 71.24.630.

5 (6) If the court directs a service plan after receiving an
6 individual's assessment, the court shall confirm with the
7 individual's indicated service provider that the service provider
8 consents to providing the court with occasional updates on the
9 individual's progress on a schedule acceptable to the court. The
10 updates must not be provided more frequently than monthly.

11 (7) Subject to the availability of funds appropriated for this
12 purpose, the substance use disorder assessment and recommended
13 treatment or services as ordered by the court shall be provided at no
14 cost for sentenced individuals who have been found to be indigent by
15 the court.

16 (8) As a condition of probation, the sentenced individual must
17 meaningfully engage with the treatment or services recommendations of
18 the substance use disorder assessment.

19 (9)(a) If it appears to the prosecuting attorney that the
20 sentenced individual is not meaningfully engaging in the recommended
21 treatment or services, the prosecuting attorney shall make a motion
22 for a hearing to consider sanctions. After notice to the sentenced
23 individual, the court shall hold a hearing to determine if a sanction
24 or revocation of the individual's suspended sentence, or any part
25 thereof, is warranted under RCW 3.50.340 or 3.66.069.

26 (b) The court may not sanction an individual for failing to
27 comply with the recommended treatment or services if the court finds
28 the sentenced individual has made reasonable efforts to comply with
29 the recommended treatment but cannot comply either due to a lack of
30 available treatment or services or, for sentenced individuals found
31 to be indigent by the court, due to a lack of funding for treatment
32 or services.

33 (c) At the hearing, if the court finds by a preponderance of the
34 evidence that the sentenced individual has willfully abandoned or
35 demonstrated a consistent failure to meaningfully participate in the
36 recommended treatment or services, the court shall use its discretion
37 in determining an appropriate sanction.

38 (10) If the individual has successfully completed the recommended
39 treatment or services, the individual must file proof of successful
40 completion with the court. Upon verification that the individual

1 successfully completed the recommended treatment or services, the
2 court must terminate probation and enter an order vacating the
3 individual's conviction.

4 **Sec. 12.** RCW 9.96.060 and 2022 c 16 s 7 are each amended to read
5 as follows:

6 (1) When vacating a conviction under this section, the court
7 effectuates the vacation by: (a)(i) Permitting the applicant to
8 withdraw the applicant's plea of guilty and to enter a plea of not
9 guilty; or (ii) if the applicant has been convicted after a plea of
10 not guilty, the court setting aside the verdict of guilty; and (b)
11 the court dismissing the information, indictment, complaint, or
12 citation against the applicant and vacating the judgment and
13 sentence.

14 (2) Every person convicted of a misdemeanor or gross misdemeanor
15 offense may apply to the sentencing court for a vacation of the
16 applicant's record of conviction for the offense. If the court finds
17 the applicant meets the requirements of this subsection, the court
18 may in its discretion vacate the record of conviction. Except as
19 provided in subsections (3), (4), ~~((and))~~ (5), and (6) of this
20 section, an applicant may not have the record of conviction for a
21 misdemeanor or gross misdemeanor offense vacated if any one of the
22 following is present:

23 (a) The applicant has not completed all of the terms of the
24 sentence for the offense;

25 (b) There are any criminal charges against the applicant pending
26 in any court of this state or another state, or in any federal or
27 tribal court, at the time of application;

28 (c) The offense was a violent offense as defined in RCW 9.94A.030
29 or an attempt to commit a violent offense;

30 (d) The offense was a violation of RCW 46.61.502 (driving while
31 under the influence), 46.61.504 (actual physical control while under
32 the influence), 9.91.020 (operating a railroad, etc. while
33 intoxicated), or the offense is considered a "prior offense" under
34 RCW 46.61.5055 and the applicant has had a subsequent alcohol or drug
35 violation within ten years of the date of arrest for the prior
36 offense or less than ten years has elapsed since the date of the
37 arrest for the prior offense;

38 (e) The offense was any misdemeanor or gross misdemeanor
39 violation, including attempt, of chapter 9.68 RCW (obscenity and

1 pornography), chapter 9.68A RCW (sexual exploitation of children), or
2 chapter 9A.44 RCW (sex offenses), except for failure to register as a
3 sex offender under RCW 9A.44.132;

4 (f) The applicant was convicted of a misdemeanor or gross
5 misdemeanor offense as defined in RCW 10.99.020, or the court
6 determines after a review of the court file that the offense was
7 committed by one family or household member against another or by one
8 intimate partner against another, or the court, after considering the
9 damage to person or property that resulted in the conviction, any
10 prior convictions for crimes defined in RCW 10.99.020, or for
11 comparable offenses in another state or in federal court, and the
12 totality of the records under review by the court regarding the
13 conviction being considered for vacation, determines that the offense
14 involved domestic violence, and any one of the following factors
15 exist:

16 (i) The applicant has not provided written notification of the
17 vacation petition to the prosecuting attorney's office that
18 prosecuted the offense for which vacation is sought, or has not
19 provided that notification to the court;

20 (ii) The applicant has two or more domestic violence convictions
21 stemming from different incidents. For purposes of this subsection,
22 however, if the current application is for more than one conviction
23 that arose out of a single incident, none of those convictions counts
24 as a previous conviction;

25 (iii) The applicant has signed an affidavit under penalty of
26 perjury affirming that the applicant has not previously had a
27 conviction for a domestic violence offense, and a criminal history
28 check reveals that the applicant has had such a conviction; or

29 (iv) Less than five years have elapsed since the person completed
30 the terms of the original conditions of the sentence, including any
31 financial obligations and successful completion of any treatment
32 ordered as a condition of sentencing;

33 (g) For any offense other than those described in (f) of this
34 subsection, less than three years have passed since the person
35 completed the terms of the sentence, including any financial
36 obligations;

37 (h) The offender has been convicted of a new crime in this state,
38 another state, or federal or tribal court in the three years prior to
39 the vacation application; or

1 (i) The applicant is currently restrained by a domestic violence
2 protection order, a no-contact order, an antiharassment order, or a
3 civil restraining order which restrains one party from contacting the
4 other party or was previously restrained by such an order and was
5 found to have committed one or more violations of the order in the
6 five years prior to the vacation application.

7 (3) If the applicant is a victim of sex trafficking,
8 prostitution, or commercial sexual abuse of a minor; sexual assault;
9 or domestic violence as defined in RCW 9.94A.030, or the prosecutor
10 applies on behalf of the state, the sentencing court may vacate the
11 record of conviction if the application satisfies the requirements of
12 RCW 9.96.080. When preparing or filing the petition, the prosecutor
13 is not deemed to be providing legal advice or legal assistance on
14 behalf of the victim, but is fulfilling an administrative function on
15 behalf of the state in order to further their responsibility to seek
16 to reform and improve the administration of criminal justice. A
17 record of conviction vacated using the process in RCW 9.96.080 is
18 subject to subsections (~~((6) and))~~ (7) and (8) of this section.

19 (4) Every person convicted prior to January 1, 1975, of violating
20 any statute or rule regarding the regulation of fishing activities,
21 including, but not limited to, RCW 75.08.260, 75.12.060, 75.12.070,
22 75.12.160, 77.16.020, 77.16.030, 77.16.040, 77.16.060, and 77.16.240
23 who claimed to be exercising a treaty Indian fishing right, may apply
24 to the sentencing court for vacation of the applicant's record of the
25 misdemeanor, gross misdemeanor, or felony conviction for the offense.
26 If the person is deceased, a member of the person's family or an
27 official representative of the tribe of which the person was a member
28 may apply to the court on behalf of the deceased person.
29 Notwithstanding the requirements of RCW 9.94A.640, the court shall
30 vacate the record of conviction if:

31 (a) The applicant is a member of a tribe that may exercise treaty
32 Indian fishing rights at the location where the offense occurred; and

33 (b) The state has been enjoined from taking enforcement action of
34 the statute or rule to the extent that it interferes with a treaty
35 Indian fishing right as determined under *United States v. Washington*,
36 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp.
37 899 (D. Oregon 1969), and any posttrial orders of those courts, or
38 any other state supreme court or federal court decision.

39 (5) Every person convicted of a misdemeanor cannabis offense, who
40 was (~~((twenty-one))~~) 21 years of age or older at the time of the

1 offense, may apply to the sentencing court for a vacation of the
2 applicant's record of conviction for the offense. A misdemeanor
3 cannabis offense includes, but is not limited to: Any offense under
4 RCW 69.50.4014, from July 1, 2004, onward, and its predecessor
5 statutes, including RCW 69.50.401(e), from March 21, 1979, to July 1,
6 2004, and RCW 69.50.401(d), from May 21, 1971, to March 21, 1979, and
7 any offense under an equivalent municipal ordinance. If an applicant
8 qualifies under this subsection, the court shall vacate the record of
9 conviction.

10 (6) If an individual convicted of a violation or violations of
11 RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2)
12 (b) or (c) successfully completes a substance use disorder treatment
13 or services program and files proof of completion with the court, the
14 prosecutor shall make a motion to vacate the individual's conviction
15 or convictions. Upon verification that the individual successfully
16 completed the substance use disorder treatment program, the court
17 shall grant the motion and vacate the conviction or convictions.

18 (7) A person who is a family member of a homicide victim may
19 apply to the sentencing court on the behalf of the victim for
20 vacation of the victim's record of conviction for prostitution under
21 RCW 9A.88.030. If an applicant qualifies under this subsection, the
22 court shall vacate the victim's record of conviction.

23 ~~((+7))~~ (8)(a) Except as provided in (c) of this subsection, once
24 the court vacates a record of conviction under this section, the
25 person shall be released from all penalties and disabilities
26 resulting from the offense and the fact that the person has been
27 convicted of the offense shall not be included in the person's
28 criminal history for purposes of determining a sentence in any
29 subsequent conviction. For all purposes, including responding to
30 questions on employment or housing applications, a person whose
31 conviction has been vacated under this section may state that he or
32 she has never been convicted of that crime. However, nothing in this
33 section affects the requirements for restoring a right to possess a
34 firearm under RCW 9.41.040. Except as provided in (b) of this
35 subsection, nothing in this section affects or prevents the use of an
36 offender's prior conviction in a later criminal prosecution.

37 (b) When a court vacates a record of domestic violence as defined
38 in RCW 10.99.020 under this section, the state may not use the
39 vacated conviction in a later criminal prosecution unless the
40 conviction was for: (i) Violating the provisions of a restraining

1 order, no-contact order, or protection order restraining or enjoining
2 the person or restraining the person from going on to the grounds of
3 or entering a residence, workplace, school, or day care, or
4 prohibiting the person from knowingly coming within, or knowingly
5 remaining within, a specified distance of a location, a protected
6 party's person, or a protected party's vehicle (RCW 10.99.040,
7 10.99.050, 26.09.300, 26.26B.050, 26.44.063, 26.44.150, or 26.52.070,
8 or any of the former RCW 26.50.060, 26.50.070, 26.50.130, and
9 74.34.145); (ii) stalking (RCW 9A.46.110); or (iii) a domestic
10 violence protection order or vulnerable adult protection order
11 entered under chapter 7.105 RCW. A vacated conviction under this
12 section is not considered a conviction of such an offense for the
13 purposes of 27 C.F.R. 478.11.

14 (c) A conviction vacated on or after July 28, 2019, qualifies as
15 a prior conviction for the purpose of charging a present recidivist
16 offense as defined in RCW 9.94A.030 occurring on or after July 28,
17 2019.

18 ~~((+8))~~ (9) The clerk of the court in which the vacation order is
19 entered shall immediately transmit the order vacating the conviction
20 to the Washington state patrol identification section and to the
21 local police agency, if any, which holds criminal history information
22 for the person who is the subject of the conviction. The Washington
23 state patrol and any such local police agency shall immediately
24 update their records to reflect the vacation of the conviction, and
25 shall transmit the order vacating the conviction to the federal
26 bureau of investigation. A conviction that has been vacated under
27 this section may not be disseminated or disclosed by the state patrol
28 or local law enforcement agency to any person, except other criminal
29 justice enforcement agencies.

30 ~~((+9))~~ (10) For the purposes of this section, "cannabis" has the
31 meaning provided in RCW 69.50.101.

32 NEW SECTION. **Sec. 13.** A new section is added to chapter 2.56
33 RCW to read as follows:

34 (1) The administrative office of the courts shall collect data
35 and information related to the utilization and outcomes of pretrial
36 diversions pursuant to section 10 of this act, convictions pursuant
37 to section 11 of this act, and motions for vacating convictions
38 pursuant to RCW 9.96.060(6), including but not limited to the
39 following:

1 (a) The number of pretrial diversions offered pursuant to section
2 10 of this act and whether such diversions were terminated, were
3 successfully completed and resulted in a dismissal, or are still
4 ongoing;

5 (b) Aggregated and disaggregated demographic data for pretrial
6 diversions pursuant to section 10 of this act, that identifies trends
7 or disparities in utilization or outcomes based on race, ethnicity,
8 gender, gender expression or identity, disability status, age, and
9 any other appropriate characteristics as determined by the
10 administrative office of the courts;

11 (c) Statistical data comparing the relative utilization and
12 outcomes of pretrial diversions pursuant to section 10 of this act in
13 specific courts and in different regions of Washington;

14 (d) The number of people convicted of a violation of RCW
15 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b)
16 or (c);

17 (e) The number of people sentenced pursuant to section 11 of this
18 act who agreed as a condition of probation to obtain a substance use
19 disorder assessment and participate in recommended treatment or
20 services;

21 (f) Aggregated and disaggregated demographic data for people
22 convicted of a violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013,
23 69.50.4014, or 69.41.030(2) (b) or (c), that identifies trends or
24 disparities in sentencing for and vacating of such convictions based
25 on race, ethnicity, gender, gender expression or identity, disability
26 status, age, and any other appropriate characteristics as determined
27 by the administrative office of the courts; and

28 (g) Statistical data comparing the sentences imposed pursuant to
29 section 11 of this act, and the convictions vacated pursuant to RCW
30 9.96.060(6), in specific courts and in different regions of
31 Washington.

32 (2) Beginning August 1, 2024, and on August 1st of every year
33 thereafter, the administrative office of the courts shall submit an
34 annual report to the legislature containing the data and information
35 described in subsection (1) of this section.

36 **Part IV - Opioid Treatment Rural Access and Expansion**

37 **Sec. 14.** RCW 36.70A.200 and 2021 c 265 s 2 are each amended to
38 read as follows:

1 (1)(a) The comprehensive plan of each county and city that is
2 planning under RCW 36.70A.040 shall include a process for identifying
3 and siting essential public facilities. Essential public facilities
4 include those facilities that are typically difficult to site, such
5 as airports, state education facilities and state or regional
6 transportation facilities as defined in RCW 47.06.140, regional
7 transit authority facilities as defined in RCW 81.112.020, state and
8 local correctional facilities, solid waste handling facilities,
9 opioid treatment programs including both mobile and fixed-site
10 medication units, recovery residences, harm reduction programs
11 excluding safe injection sites, and inpatient facilities including
12 substance ((abuse)) use disorder treatment facilities, mental health
13 facilities, group homes, community facilities as defined in RCW
14 72.05.020, and secure community transition facilities as defined in
15 RCW 71.09.020.

16 (b) Unless a facility is expressly listed in (a) of this
17 subsection, essential public facilities do not include facilities
18 that are operated by a private entity in which persons are detained
19 in custody under process of law pending the outcome of legal
20 proceedings but are not used for punishment, correction, counseling,
21 or rehabilitation following the conviction of a criminal offense.
22 Facilities included under this subsection (1)(b) shall not include
23 facilities detaining persons under RCW 71.09.020 ((+6) or (15)) (7)
24 or (16) or chapter 10.77 or 71.05 RCW.

25 (c) The department of children, youth, and families may not
26 attempt to site new community facilities as defined in RCW 72.05.020
27 east of the crest of the Cascade mountain range unless there is an
28 equal or greater number of sited community facilities as defined in
29 RCW 72.05.020 on the western side of the crest of the Cascade
30 mountain range.

31 (d) For the purpose of this section, "harm reduction programs"
32 means programs that emphasize working directly with people who use
33 drugs to prevent overdose and infectious disease transmission,
34 improve the physical, mental, and social well-being of those served,
35 and offer low threshold options for accessing substance use disorder
36 treatment and other services.

37 (2) Each county and city planning under RCW 36.70A.040 shall, not
38 later than September 1, 2002, establish a process, or amend its
39 existing process, for identifying and siting essential public
40 facilities and adopt or amend its development regulations as

1 necessary to provide for the siting of secure community transition
2 facilities consistent with statutory requirements applicable to these
3 facilities.

4 (3) Any city or county not planning under RCW 36.70A.040 shall,
5 not later than September 1, 2002, establish a process for siting
6 secure community transition facilities and adopt or amend its
7 development regulations as necessary to provide for the siting of
8 such facilities consistent with statutory requirements applicable to
9 these facilities.

10 (4) The office of financial management shall maintain a list of
11 those essential state public facilities that are required or likely
12 to be built within the next six years. The office of financial
13 management may at any time add facilities to the list.

14 (5) No local comprehensive plan or development regulation may
15 preclude the siting of essential public facilities.

16 (6) No person may bring a cause of action for civil damages based
17 on the good faith actions of any county or city to provide for the
18 siting of secure community transition facilities in accordance with
19 this section and with the requirements of chapter 12, Laws of 2001
20 2nd sp. sess. For purposes of this subsection, "person" includes, but
21 is not limited to, any individual, agency as defined in RCW
22 42.17A.005, corporation, partnership, association, and limited
23 liability entity.

24 (7) Counties or cities siting facilities pursuant to subsection
25 (2) or (3) of this section shall comply with RCW 71.09.341.

26 (8) The failure of a county or city to act by the deadlines
27 established in subsections (2) and (3) of this section is not:

28 (a) A condition that would disqualify the county or city for
29 grants, loans, or pledges under RCW 43.155.070 or 70A.135.070;

30 (b) A consideration for grants or loans provided under RCW
31 43.17.250(3); or

32 (c) A basis for any petition under RCW 36.70A.280 or for any
33 private cause of action.

34 **Sec. 15.** RCW 71.24.589 and 2019 c 314 s 29 are each amended to
35 read as follows:

36 (1) Subject to funds appropriated by the legislature, the
37 authority shall ~~((implement a pilot project))~~ administer a grant
38 program for law enforcement assisted diversion which shall adhere to
39 law enforcement assisted diversion core principles recognized by the

1 law enforcement assisted diversion national support bureau, the
2 efficacy of which have been demonstrated in peer-reviewed research
3 studies.

4 ~~((Under the pilot project, the))~~ The authority must partner
5 with the law enforcement assisted diversion national support bureau
6 to award ~~((a contract))~~ contracts, subject to appropriation, for
7 ~~((two or more geographic areas))~~ jurisdictions in the state of
8 Washington for law enforcement assisted diversion. Cities, counties,
9 and tribes ~~((may compete for participation in a pilot project))~~,
10 subdivisions thereof, public development authorities, and community-
11 based organizations demonstrating support from necessary public
12 partners, may serve as the lead agency applying for funding. Funds
13 may be used to scale existing projects, and to invite additional
14 jurisdictions to launch law enforcement assisted diversion programs.

15 (3) The ~~((pilot projects))~~ program must provide for securing
16 comprehensive technical assistance from law enforcement assisted
17 diversion implementation experts to develop and implement a law
18 enforcement assisted diversion program ~~((in the pilot project's~~
19 ~~geographic areas))~~ in a way that ensures fidelity to the research-
20 based law enforcement assisted diversion model. Sufficient funds must
21 be allocated from grant program funds to secure technical assistance
22 for the authority and for the implementing jurisdictions.

23 (4) The key elements of a law enforcement assisted diversion
24 ~~((pilot project))~~ program must include:

25 (a) Long-term case management for individuals with substance use
26 disorders;

27 (b) Facilitation and coordination with community resources
28 focusing on overdose prevention;

29 (c) Facilitation and coordination with community resources
30 focused on the prevention of infectious disease transmission;

31 (d) Facilitation and coordination with community resources
32 providing physical and behavioral health services;

33 (e) Facilitation and coordination with community resources
34 providing medications for the treatment of substance use disorders;

35 (f) Facilitation and coordination with community resources
36 focusing on housing, employment, and public assistance;

37 (g) ~~((Twenty-four))~~ 24 hours per day and seven days per week
38 response to law enforcement for arrest diversions; and

39 (h) Prosecutorial support for diversion services.

1 (5) No civil liability may be imposed by any court on the state
2 or its officers or employees, an appointed or elected official,
3 public employee, public agency as defined in RCW 4.24.470,
4 combination of units of government and its employees as provided in
5 RCW 36.28A.010, nonprofit community-based organization, tribal
6 government entity, tribal organization, or urban Indian organization,
7 based on the administration of a law enforcement assisted diversion
8 program or activities carried out within the purview of a grant
9 received under this program except upon proof of bad faith or gross
10 negligence.

11 **Sec. 16.** RCW 71.24.590 and 2019 c 314 s 30 are each amended to
12 read as follows:

13 (1) When making a decision on an application for licensing or
14 certification of ((a)) an opioid treatment program, the department
15 shall:

16 (a) Consult with the county legislative authorities in the area
17 in which an applicant proposes to locate a program and the city
18 legislative authority in any city in which an applicant proposes to
19 locate a program;

20 (b) License or certify only programs that will be sited in
21 accordance with the appropriate county or city land use ordinances.
22 Counties and cities may require conditional use permits with
23 reasonable conditions for the siting of programs only to the extent
24 that such reasonable conditional use requirements applied to opioid
25 treatment programs are similarly applied to other essential public
26 facilities and health care settings. Pursuant to RCW 36.70A.200, no
27 local comprehensive plan or development regulation may preclude the
28 siting of essential public facilities;

29 (c) Not discriminate in its licensing or certification decision
30 on the basis of the corporate structure of the applicant;

31 (d) Consider the size of the population in need of treatment in
32 the area in which the program would be located and license or certify
33 only applicants whose programs meet the necessary treatment needs of
34 that population;

35 (e) Consider the availability of other certified opioid treatment
36 programs near the area in which the applicant proposes to locate the
37 program;

38 (f) Consider the transportation systems that would provide
39 service to the program and whether the systems will provide

1 reasonable opportunities to access the program for persons in need of
2 treatment;

3 (g) Consider whether the applicant has, or has demonstrated in
4 the past, the capability to provide the appropriate services to
5 assist the persons who utilize the program in meeting goals
6 established by the legislature in RCW 71.24.585. The department shall
7 prioritize licensing or certification to applicants who have
8 demonstrated such capability and are able to measure their success in
9 meeting such outcomes((+)

10 ~~(h) Hold one public hearing in the community in which the~~
11 ~~facility is proposed to be located. The hearing shall be held at a~~
12 ~~time and location that are most likely to permit the largest number~~
13 ~~of interested persons to attend and present testimony. The department~~
14 ~~shall notify all appropriate media outlets of the time, date, and~~
15 ~~location of the hearing at least three weeks in advance of the~~
16 ~~hearing)).~~

17 (2) ((A)) No city or county legislative authority may impose a
18 maximum capacity for ((a)) an opioid treatment program ((~~of not less~~
19 ~~than three hundred fifty participants if necessary to address~~
20 ~~specific local conditions cited by the county)~~)).

21 (3) A program applying for licensing or certification from the
22 department and a program applying for a contract from a state agency
23 that has been denied the licensing or certification or contract shall
24 be provided with a written notice specifying the rationale and
25 reasons for the denial.

26 (4) Opioid treatment programs may order, possess, dispense, and
27 administer medications approved by the United States food and drug
28 administration for the treatment of opioid use disorder, alcohol use
29 disorder, tobacco use disorder, and reversal of opioid overdose. For
30 an opioid treatment program to order, possess, and dispense any other
31 legend drug, including controlled substances, the opioid treatment
32 program must obtain additional licensure as required by the
33 department, except for patient-owned medications.

34 (5) Opioid treatment programs may accept, possess, and administer
35 patient-owned medications.

36 (6) Registered nurses and licensed practical nurses may dispense
37 up to a ((~~thirty-one~~)) 31 day supply of medications approved by the
38 United States food and drug administration for the treatment of
39 opioid use disorder to patients of the opioid treatment program,

under an order or prescription and in compliance with 42 C.F.R. Sec. 8.12.

(7) For the purpose of this chapter, "opioid treatment program" means a program that:

(a) Engages in the treatment of opioid use disorder with medications approved by the United States food and drug administration for the treatment of opioid use disorder and reversal of opioid overdose, including methadone; and

(b) Provides a comprehensive range of medical and rehabilitative services.

(8) A mobile or fixed-site medication unit may be established as part of a licensed opioid treatment program.

NEW SECTION. **Sec. 17.** A new section is added to chapter 43.330 RCW to read as follows:

(1) Subject to funds appropriated for this specific purpose, a program is established in the department to fund the construction costs necessary to start up substance use disorder treatment and services programs in regions of the state that currently lack access to such programs.

(2) This funding must be used to increase the number of substance use disorder treatment and services programs in underserved areas such as central and eastern Washington and rural areas.

NEW SECTION. **Sec. 18.** RCW 10.31.115 (Drug possession—Referral to assessment and services) and 2021 c 311 s 13 are each repealed.

Part V - Funding, Promotion, and Training for Recovery Residences

NEW SECTION. **Sec. 19.** A new section is added to chapter 71.24 RCW to read as follows:

Subject to the availability of funds appropriated for this specific purpose, the authority shall:

(1) Make sufficient funding available to support establishment of an adequate and equitable stock of recovery residences in each region of the state, including by expansion of a revolving fund program to make loans or grants available for recovery residence operators to use for necessary capital expenses;

(2) Establish a voucher program to allow accredited recovery housing operators to hold bed space for individuals who are waiting

1 for treatment or who have returned to use and need a place to stay
2 while negotiating a return to stable housing;

3 (3) Conduct outreach to underserved and rural areas to support
4 the development of recovery housing, including adequate resources for
5 women, LGBTQIA+ communities, and youth; and

6 (4) Develop a training for housing providers by January 1, 2024,
7 to assist them with providing appropriate service to LGBTQIA+
8 communities, including consideration of topics like harassment,
9 communication, antiracism, diversity, and gender affirming behavior,
10 and ensure applicants for grants or loans related to recovery
11 residences receive access to the training.

12 **Sec. 20.** RCW 84.36.043 and 1998 c 174 s 1 are each amended to
13 read as follows:

14 (1) The real and personal property used by a nonprofit
15 organization in providing emergency or transitional housing for low-
16 income homeless persons as defined in RCW 35.21.685 or 36.32.415 or
17 victims of domestic violence who are homeless for personal safety
18 reasons is exempt from taxation if:

19 (a) The charge, if any, for the housing does not exceed the
20 actual cost of operating and maintaining the housing; and

21 (b) (i) The property is owned by the nonprofit organization; or
22 (ii) The property is rented or leased by the nonprofit
23 organization and the benefit of the exemption inures to the nonprofit
24 organization.

25 (2) The real and personal property used by a nonprofit
26 organization in maintaining an approved recovery residence registered
27 under RCW 41.05.760 is exempt from taxation if:

28 (a) The charge for the housing does not exceed the actual cost of
29 operating and maintaining the housing; and

30 (b) (i) The property is owned by the nonprofit organization; or
31 (ii) The property is rented or leased by the nonprofit
32 organization and the benefit of the exemption inures to the nonprofit
33 organization.

34 (3) As used in this section:

35 (a) "Homeless" means persons, including families, who, on one
36 particular day or night, do not have decent and safe shelter nor
37 sufficient funds to purchase or rent a place to stay.

1 (b) "Emergency housing" means a project that provides housing and
2 supportive services to homeless persons or families for up to sixty
3 days.

4 (c) "Transitional housing" means a project that provides housing
5 and supportive services to homeless persons or families for up to two
6 years and that has as its purpose facilitating the movement of
7 homeless persons and families into independent living.

8 ~~((+3+))~~ (d) "Recovery residence" has the same meaning as under
9 RCW 41.05.760.

10 (4) The exemption in subsection (2) of this section applies to
11 taxes levied for collection in calendar years 2024 through 2033.

12 (5) This exemption is subject to the administrative provisions
13 contained in RCW 84.36.800 through 84.36.865.

14 NEW SECTION. Sec. 21. (1) This section is the tax preference
15 performance statement for the tax preference contained in section 20,
16 chapter . . ., Laws of 2023 (section 20 of this act). This
17 performance statement is only intended to be used for subsequent
18 evaluation of the tax preference. It is not intended to create a
19 private right of action by any party or to be used to determine
20 eligibility for preferential tax treatment.

21 (2) The legislature categorizes this tax preference as one
22 intended to provide tax relief for certain businesses or individuals,
23 as indicated in RCW 82.32.808(2)(e).

24 (3) By exempting property used by nonprofit organizations
25 maintaining approved recovery residences, it is the legislature's
26 specific public policy objective to maximize funding for recovery
27 residences to the extent possible, thereby increasing availability of
28 such residences.

29 (4) To measure the effectiveness of the tax exemption provided in
30 section 20 of this act in achieving the specific public policy
31 objectives described in subsection (3) of this section, the joint
32 legislative audit and review committee must evaluate:

33 (a) Annual changes in the total number of parcels qualifying for
34 the exemption under section 20 of this act;

35 (b) The amount of annual property tax relief resulting from the
36 tax exemption under section 20 of this act;

37 (c) The average annual number of people housed at recovery
38 residences located on property qualifying for the exemption under
39 section 20 of this act;

1 (d) The annualized amount charged for housing at recovery
2 residences located on property qualifying for the exemption under
3 section 20 of this act and the annualized estimated increase in the
4 charge for housing if the properties had not been eligible for the
5 exemption; and

6 (e) The annual amount of expenditures by nonprofits to maintain
7 recovery residences located on property qualifying for the exemption
8 under section 20 of this act.

9 (5) The legislature intends to extend the expiration date of the
10 property tax exemption under section 20 of this act if the review by
11 the joint legislative audit and review committee finds that:

12 (a) The number of properties qualifying for the exemption under
13 section 20 of this act has increased;

14 (b) The number of individuals using recovery housing located on
15 property qualifying for the exemption under section 20 of this act
16 has increased; and

17 (c) The amount charged for recovery housing is reasonably
18 consistent with the actual cost of operating and maintaining the
19 housing.

20 (6) In order to obtain the data necessary to perform the review
21 in subsection (4) of this section, the joint legislative audit and
22 review committee may refer to:

23 (a) Initial applications for the tax exemption under section 20
24 of this act as approved by the department of revenue under RCW
25 84.36.815;

26 (b) Annual financial statements prepared by nonprofit entities
27 claiming the tax exemption under section 20 of this act;

28 (c) Filings with the federal government to maintain federal tax
29 exempt status by nonprofit organizations claiming the tax exemption
30 under section 20 of this act; and

31 (d) Any other data necessary for the evaluation under subsection
32 (4) of this section.

33 **Part VI – Training for Parents of Children with Substance Use Disorder**
34 **and Caseworkers Within the Department of Children, Youth, and**
35 **Families**
36

37 NEW SECTION. **Sec. 22.** A new section is added to chapter 71.24
38 RCW to read as follows:

(1) The authority, in consultation with the department of children, youth, and families, shall develop a training for parents of children and transition age youth with substance use disorders by June 30, 2024, addressing the following:

(a) Science and education related to substance use disorders;

(b) Adaptive and functional communication strategies for communication with a loved one about their substance use disorder, including positive communication skills and strategies to influence motivation and behavioral change;

(c) Self-care and means of obtaining support; and

(d) Means to obtain opioid overdose reversal medication when appropriate and instruction on proper use.

(2) The authority and the department of children, youth, and families shall make this training publicly available, and the department of children, youth, and families must promote the training to licensed foster parents and caregivers, including any tribally licensed foster parents and tribal caregivers.

NEW SECTION. **Sec. 23.** A new section is added to chapter 43.216 RCW to read as follows:

The department must make opioid overdose reversal medication available for use by caseworkers or employees that may come in contact with individuals experiencing overdose and must make appropriate training available.

Part VII - Data Support for Recovery Navigator Programs

NEW SECTION. **Sec. 24.** To support recovery navigator programs, the health care authority must develop and implement a data integration platform by June 30, 2024, to serve as a common database available for diversion efforts across the state, to serve as a data collection and management tool for practitioners, and to assist in standardizing definitions and practices. If possible, the health care authority must leverage and interact with existing platforms already in use in efforts funded by the authority. The health care authority must establish a quality assurance process for behavioral health administrative services organizations, and employ data validation for fields in the data collection workbook. The health care authority must engage and consult with the law enforcement assisted diversion

national support bureau on data integration approaches, platforms, quality assurance protocols, and validation practices.

NEW SECTION. **Sec. 25.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority shall contract with the Washington state institute for public policy to conduct a study of the long-term effectiveness of the recovery navigator program under RCW 71.24.115 with reports due by June 30th in the years 2028, 2033, and 2038. The Washington state institute for public policy shall collaborate with the authority, the law enforcement assisted diversion national support bureau, and the substance use recovery services advisory committee under RCW 71.24.546 on the topic of data collection and to determine the parameters of the report, which shall include recommendations, if any, for modification and improvement of the recovery navigator program. The law enforcement assisted diversion national support bureau may supplement the report with additional recommendations to improve the recovery navigator program by enhancing its ability to provide a viable, accepted, community-based care alternative to jail and prosecution. The authority shall cooperate with the Washington state institute for public policy to provide data for this report.

(2) The authority shall establish an expedited preapproval process by August 1, 2023, which allows requests for the use of data to be forwarded to the Washington state institutional review board without delay when the request is made by the Washington state institute for public policy for the purpose of completing a study that has been directed by the legislature.

Part VIII - Establishing Rules and Payment Structures for Health Engagement Hubs

NEW SECTION. **Sec. 26.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority shall develop payment structures for health engagement hubs by January 1, 2025.

(2) A health engagement hub:

(a) Serves as an all-in-one location where people who use drugs can access a range of medical, harm reduction, treatment, and social

1 services. A health engagement hub may not provide supervised
2 injection services;

3 (b) May be affiliated with existing syringe service programs,
4 federally qualified health centers, community health centers,
5 overdose prevention sites, safe consumption sites, patient-centered
6 medical homes, tribal behavioral health programs, peer run
7 organizations such as clubhouses, services for unhoused people,
8 supportive housing, and opioid treatment programs including mobile
9 and fixed-site medication units established under an opioid treatment
10 program, or other appropriate entity;

11 (c) Provides referrals or access to methadone and other
12 medications for opioid addiction;

13 (d) Functions as a patient-centered medical home by offering
14 high-quality, cost-effective patient-centered care, including wound
15 care;

16 (e) Provides harm reduction services and supplies;

17 (f) Provides linkage to housing, transportation, and other
18 support services; and

19 (g) Is open to youth as well as adults.

20 (3) To the extent allowed under federal law, the authority shall
21 direct medicaid managed care organizations to adopt a value-based
22 bundled payment methodology in contracts with health engagement hubs
23 and other opioid treatment providers.

24 (4) The authority shall make sufficient funding available to
25 ensure that a health engagement hub is available within a two-hour
26 drive for all communities and that there is at least one health
27 engagement hub available per 200,000 residents in Washington state.

28 **Part IX - Education and Employment Pathways**

29 NEW SECTION. **Sec. 27.** A new section is added to chapter 71.24
30 RCW to read as follows:

31 Subject to funding provided for this specific purpose, the
32 authority shall establish a grant program for providers of
33 employment, education, training, certification, and other supportive
34 programs designed to provide persons recovering from a substance use
35 disorder with employment opportunities. The grant program shall
36 employ a low-barrier application and give priority to programs that
37 engage with black, indigenous, persons of color, and other
38 historically underserved communities.

Part X - Providing a Statewide Directory of Recovery Services

NEW SECTION. **Sec. 28.** A new section is added to chapter 71.24 RCW to read as follows:

Subject to funding provided for this specific purpose, the authority must collaborate with the department and the department of social and health services to expand the Washington recovery helpline and the recovery readiness asset tool to provide a dynamically updated statewide behavioral health treatment and recovery support services mapping tool that includes a robust resource database for those seeking services and a referral system to be incorporated within the locator tool to help facilitate the connection between an individual and a facility that is currently accepting new referrals. The tool must include dual interface capability, one for public access and one for internal use and management.

Part XI - Investing Adequately in Statewide Diversion Services

NEW SECTION. **Sec. 29.** A new section is added to chapter 71.24 RCW to read as follows:

Subject to the availability of funds appropriated for this specific purpose, the authority shall:

(1) Continue and expand efforts to provide opioid use disorder medication in city, county, regional, and tribal jails;

(2) Provide support funds to new and established department of health certified clubhouses throughout the state;

(3) Award grants to an equivalent number of crisis services providers to the west and the east of the Cascade mountains, to establish and expand 23-hour crisis relief center capacity;

(4) Maintain a memorandum of understanding with the criminal justice training commission to provide ongoing funding for community grants pursuant to RCW 36.28A.450; and

(5) Provide ongoing grants to law enforcement assistant diversion programs under RCW 71.24.589.

Part XII - Streamlining Substance Use Disorder Treatment Intakes

NEW SECTION. **Sec. 30.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority shall convene a work group to recommend changes to systems, policies, and processes related to intake, screening, and assessment for substance use disorder services, with the goal to broaden the workforce capable of processing intakes and to make the intake process as brief as possible, including only what is necessary to manage utilization and initiate care. The intake shall be low barrier, person-centered, and amenable to administration in diverse health care settings and by a range of health care professionals. The intake assessment shall consider the person's self-identified needs and preferences when evaluating direction of treatment and may include different components based on the setting, context, and past experience with the client.

(2) The work group must include care providers, payors, people who use drugs, and other individuals recommended by the authority. The work group shall present its recommendations to the governor and appropriate committees of the legislature by December 1, 2024.

Part XIII - Miscellaneous Provisions

NEW SECTION. **Sec. 31.** Section 7 of this act takes effect January 1, 2025.

Sec. 32. 2021 c 311 s 29 (uncodified) is amended to read as follows:

Sections 8 through 10(~~(7)~~) and 12(~~(7, 15, and 16)~~) of this act expire July 1, 2023.

NEW SECTION. **Sec. 33.** Sections 2 through 6, 8 through 12, and 32 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2023.

NEW SECTION. **Sec. 34.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

EFFECT: Makes the following changes to the underlying bill:

(1) Reclassifies the offenses of possession of a controlled substance and possession of a counterfeit substance as misdemeanors, rather than gross misdemeanors.

(2) Provides that knowing possession and use of a controlled substance, counterfeit substance, or legend drug in a public place constitutes a misdemeanor offense, subject to certain exceptions.

(3) Provides that, upon arraignment for applicable drug offenses, the court is required to determine whether the defendant has been advised by the defendant's attorney about pretrial diversion, rather than give such advisement directly to the defendant.

(4) Eliminates the specific appropriation made for the Washington state patrol related to testing evidence submitted for suspected drug offenses within 45 days, and instead makes such testing requirements subject to the availability of funds.

(5) Provides that the prohibition on selling or permitting the sale of drug paraphernalia does not apply to distribution of certain supplies by outreach, shelter, and housing programs.

(6) Provides that the state occupies and preempts the field of drug paraphernalia regulation.

(7) Modifies provisions related to pretrial diversions for certain drug offenses, including by:

- Expanding the circumstances when pretrial diversion is available to include when a person is charged with knowing possession and use of a controlled substance, counterfeit substance, or legend drug in a public place;

- Providing that a court may not grant a motion for pretrial diversion without the prosecuting attorney's consent;

- Encouraging prosecuting attorneys to divert cases meeting certain criteria;

- Providing that, if the prosecuting attorney consents, the court must grant a motion for pretrial diversion in circumstances when the defendant is only charged with a particular drug offense, and the defendant has not been convicted of any offenses committed after July 1, 2023;

- Requiring the court to provide the defendant and the defendant's counsel with specific information prior to granting a motion for pretrial diversion;

- Requiring the state to make resources available to assist applicable defendants with scheduling, rather than obtaining, a substance use disorder (SUD) evaluation or expedited assessment within seven days of the defendant's agreement to participate in pretrial diversion;

- Eliminating the provision related to assisting an applicable defendant with transportation to an SUD evaluation;

- Providing that an SUD counseling agency, rather than treatment program, must make a written report to the court stating its findings and recommendations, and that such report must be filed under seal with the court, with a copy given to certain parties;

- Exempting the written report and its copies from disclosure under the public records act;

- Requiring the court to endeavor to avoid public discussion of certain stigmatizing topics;

- Limiting when the prosecuting attorney may make a motion for termination from pretrial diversion to when it appears that the defendant is not meaningfully engaging in the recommended treatment or services; and

- Providing that successful completion of pretrial diversion includes substantial engagement, rather than compliance, with assessment, recommended treatment, or services.

(8) Modifies provisions related to sentencing requirements for certain drug offenses, including by:

- Expanding the circumstances when a court is required to impose certain sentences and conditions for drug offense convictions to include when a person convicted of knowing possession and use of a controlled substance, counterfeit substance, or legend drug in a public place agrees to obtain an SUD assessment and recommended treatment or services as a condition of probation;

- Providing that the state, rather than the court, must assist the defendant in scheduling, rather than obtaining, a substance use disorder evaluation or expedited assessment within seven days of the defendant's agreement;

- Eliminating the provisions requiring the court to grant a person credit for all confinement time served presentencing for certain drug offenses when such confinement was solely in regard to the offense for which the person is being sentenced;

- Eliminating the 21-day mandatory minimum sentences for persons convicted of certain drug offenses who refuse to obtain an SUD assessment and recommended treatment or services as a condition of probation;

- Eliminating the provision related to assisting an applicable person with transportation to an SUD evaluation;

- Providing that a licensed SUD services or counseling program, rather than a treatment program, must prepare an SUD assessment, rather than a diagnostic evaluation and treatment recommendation, as a part of probationary conditions imposed on applicable persons;

- Requiring the court to determine whether an applicable person, based on the person's SUD assessment, must be required to complete sustained services from a licensed behavioral health care provider, peer counseling program, or other case management program, rather than complete intensive treatment in an approved treatment program;

- Modifying the specific information that must be included in an applicable person's SUD assessment;

- Requiring the court to confirm that an applicable person's service provider consents to providing the court with occasional updates on the person's progress on a schedule acceptable to the court, but no more frequent than monthly;

- Requiring meaningful engagement, rather than compliance, with treatment or services as a condition of probation for applicable persons;

- Providing that only the prosecuting attorney, rather than the prosecuting attorney or the court, must make a motion for a hearing to consider sanctions when it appears that an applicable person is not meaningfully engaging in treatment or services;

- Eliminating the mandatory minimum sanctions that the court must impose if it finds that an applicable person has willfully abandoned or demonstrated a consistent failure to meaningfully participate in treatment or services; and

- Requiring the court to terminate probation and enter an order vacating an applicable person's conviction upon verification that the person successfully completed treatment and services.

(9) Provides that if a person convicted of certain drug offenses successfully completes an SUD treatment or services program and files proof of completion, the prosecuting attorney must make a motion to vacate the person's conviction or convictions, and the court must grant the motion upon verifying successful completion.

(10) Requires the administrative office of the courts (AOC) to collect data and information, and submit an annual report, related to utilization and outcomes of specific forms of pretrial diversion, sentencing, and postconviction relief for certain drug offenses.

(11) Provides that harm reduction programs include programs that offer low threshold options for accessing SUD treatment and other services, rather than other health care services.

(12) Eliminates the requirement for the Department of Health (DOH) to hold a public hearing before making a decision on an application for licensing or certifying an opioid treatment program.

(13) Eliminates the amendatory provisions related to the reporting obligations of behavioral health or service providers, and the authority of the prosecuting attorney to file charges, when an applicable person diverted to a provider violates the terms of the diversion.

(14) Eliminates the provision creating a right to court-appointed counsel for certain parenting plan or child custody proceedings.

(15) Codifies the provision related to the health care authority (HCA) and the department of children, youth, and families' training for parents of children with SUDs in chapter 71.24 RCW, rather than in chapter 43.216 RCW.

(16) Requires the HCA to engage and consult with the law enforcement assisted diversion national support bureau (LEAD National Support Bureau) on data integration approaches, platforms, quality assurance protocols, and validation practices for the HCA's development and implementation of a data integration platform to support recovery navigator programs.

(17) Modifies the Washington state institute for public policy's contracted study on the long-term effectiveness of recovery navigator programs to also include collaboration with and supplementation from the LEAD national support bureau.

(18) Eliminates the specific appropriations made for the HCA related to funding for opioid use disorder medication, DOH certified clubhouses, 23-hour crisis relief centers, certain community grants, and LEAD programs, and instead makes those provisions subject to the availability of appropriated funds.

(19) Provides that the amendatory provisions related to certain drug offenses, and the provisions related to the AOC's data and information collection and reports, are effective July 1, 2023.

(20) Adds a severability clause.

(21) Modifies language in the intent section.

--- END ---